



To the Honorable Council  
City of Norfolk, Virginia

October 23, 2012

From: Frank M. Duke, AICP, Planning Director

**Subject:** Special Exception to change from one nonconforming use to other nonconforming uses at 509 Boissevain Avenue – S.B. Enterprises, LLC by Susan Bradley.

Reviewed: Anne F. Odell, AICP, Assistant City Manager

**Ward/Superward:** 2/6

Approved:

*Anne F. Odell*

*Marcus D. Jones*

Marcus D. Jones, City Manager

**Item Number:**

**R-9**

I. **Recommendation:** Approval, considering compliance with *Zoning Ordinance* requirements and consistency with the approved plans.

II. **Applicant:** S.B. Enterprises, LLC by Susan Bradley  
509 Boissevain Avenue

III. **Description**

- This site is zoned HC-G2 (Historic and Cultural Conservation) district which permits only residential uses.
- Prior to the implementation of the current zoning the building had been used for various commercial uses and is legally nonconforming as to its use.
  - *The City of Norfolk Zoning Ordinance* states that a nonconforming use can be changed to another nonconforming use by Special Exception.
  - This site was previously used as a take out restaurant (retail sales) and the applicant proposes to operate a small scale hair salon (retail service).
- The application is for a Special Exception to change from one nonconforming use to other nonconforming uses limited to small scale retail service and small scale retail sales uses.

IV. **Analysis**

- This property is located within the Ghent neighborhood which is developed with single and multiple-family residential uses and other nonconforming commercial uses.
- The site is currently zoned HC-G2 (Historic and Cultural Conservation) district and is developed with two nonconforming buildings that have been converted for commercial uses.
  - This request would only apply to 509 Boissevain Avenue.

- The *General Plan* designates this site as Commercial/Office, making the proposed special exception consistent with the *General Plan*.
- The proposed General Plan, *plaNorfolk2030*, designates this site as Residential Mixed, which supports a complementary mix of uses in appropriate locations.
- This should result in four fewer vehicle trips per day.
- Nonconforming uses may be changed to other nonconforming uses by Special Exception.

**V. Financial Impact**

The property owner is current on all taxes.

**VI. Environmental**

- The nonconforming uses to which the site will be limited are retail services and retail sales.
- The change from one small-scale nonconforming use to other small scale nonconforming uses of the property will not create any additional impacts on the neighborhood.
  - The site has been used for small-scale retail sales or retail service for over 22 years.
  - The intensity of these uses is comparable and the use of this building for these small scale commercial uses has been beneficial to this neighborhood.
- A letter supporting the applicant's request was received from the Ghent Neighborhood League.
- Multiple letters of support were received from neighborhood residents.

**VII. Community Outreach/Notification**

- Legal notice was posted on the property on August 21.
- Letter was mailed to the Ghent Neighborhood League President on September 7.
- Notice was sent to the civic leagues by the Department of Communications on September 11.
- Letters were mailed to all property owners within 300 feet of the property on September 11.
- Legal notification was placed in *The Virginian-Pilot* on September 13 and 20.
- The Planning Commission Public Hearing was held on September 27, 2012.
- Public notification for this agenda item was conducted through the City of Norfolk's agenda notification process.

**VIII. Board/Commission Action**

By a vote of **7 to 0**, the Planning Commission recommended that the request for a Special Exception be **approved**, subject to the conditions outlined in the attached ordinance.

**IX. Coordination/Outreach**

This letter has been coordinated with the Department of Planning and Community Development, Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proponents and Opponents
- Ordinance
- Location Map
- Zoning Map
- Application
- Letters from the Ghent Neighborhood League
- Letters from neighborhood residents

**Proponents and Opponents**

**Proponents**

Susan Bradley  
703 Graydon Avenue  
Norfolk, VA 23507

**Opponents**

None



9/27/12 ts

Form and Correctness Approval: *RAP*

Contents Approved:

By *[Signature]*  
Office of the City AttorneyBy *[Signature]*  
DEPT.

NORFOLK, VIRGINIA

**ORDINANCE No.**

*R-9*

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO PERMIT A CHANGE FROM ONE NONCONFORMING USE TO ANOTHER NONCONFORMING USE ON PROPERTY LOCATED AT 509 BOISSEVAIN AVENUE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted authorizing the change of use from one nonconforming use to another nonconforming use on property located at 509 Boissevain Avenue. The property which is the subject of this Special Exception is more fully described as follows:

Property fronts 45 feet, more or less, along the western line of Colonial Avenue, and 105 feet, more or less along the southern line of Boissevain Avenue; premises numbered 509 Boissevain Avenue.

Section 2:- That the Special Exception granted hereby shall be subject to the following condition:

- (a) The only uses permitted on the property shall be "Retail Sales Establishments--small scale specialty shops only" and "Retail Services Establishments--small scale personal services only."
- (b) No "Retail Sales Establishments--small scale specialty shops only" with edible take-away foods shall be permitted.
- (c) The hours of operation shall be limited to 9:00 a.m. until 8:00 p.m., seven days per week.
- (d) This Special Exception shall only apply to the structure located on the northwest

corner of the property; premises numbered 509 Boissevain.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;

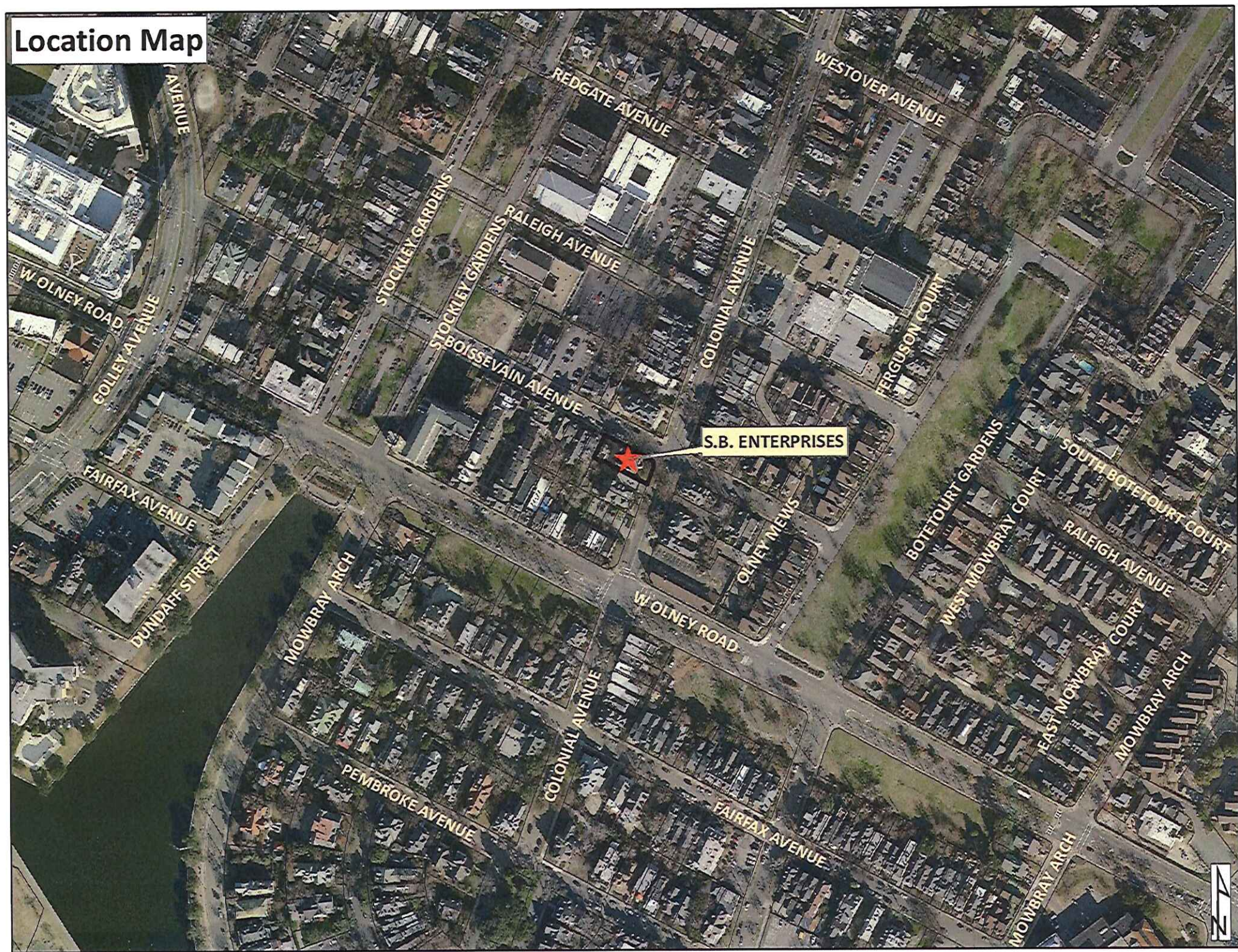
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That the Special Exception granted hereby amends all previously granted special exceptions and use permits permitting a change of use from one nonconforming use to another nonconforming use, including those adopted on December 14, 1976 (Ordinance No. 28,706), September 18, 1979 (Ordinance No. 30,126), February 17, 1981 (Ordinance No. 31,005), September 22, 1982 (Ordinance No. 31,962), and October 10, 1989 (Ordinance No. 35,752), and all provisions and conditions previously approved are entirely superseded by the terms of this Special Exception.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

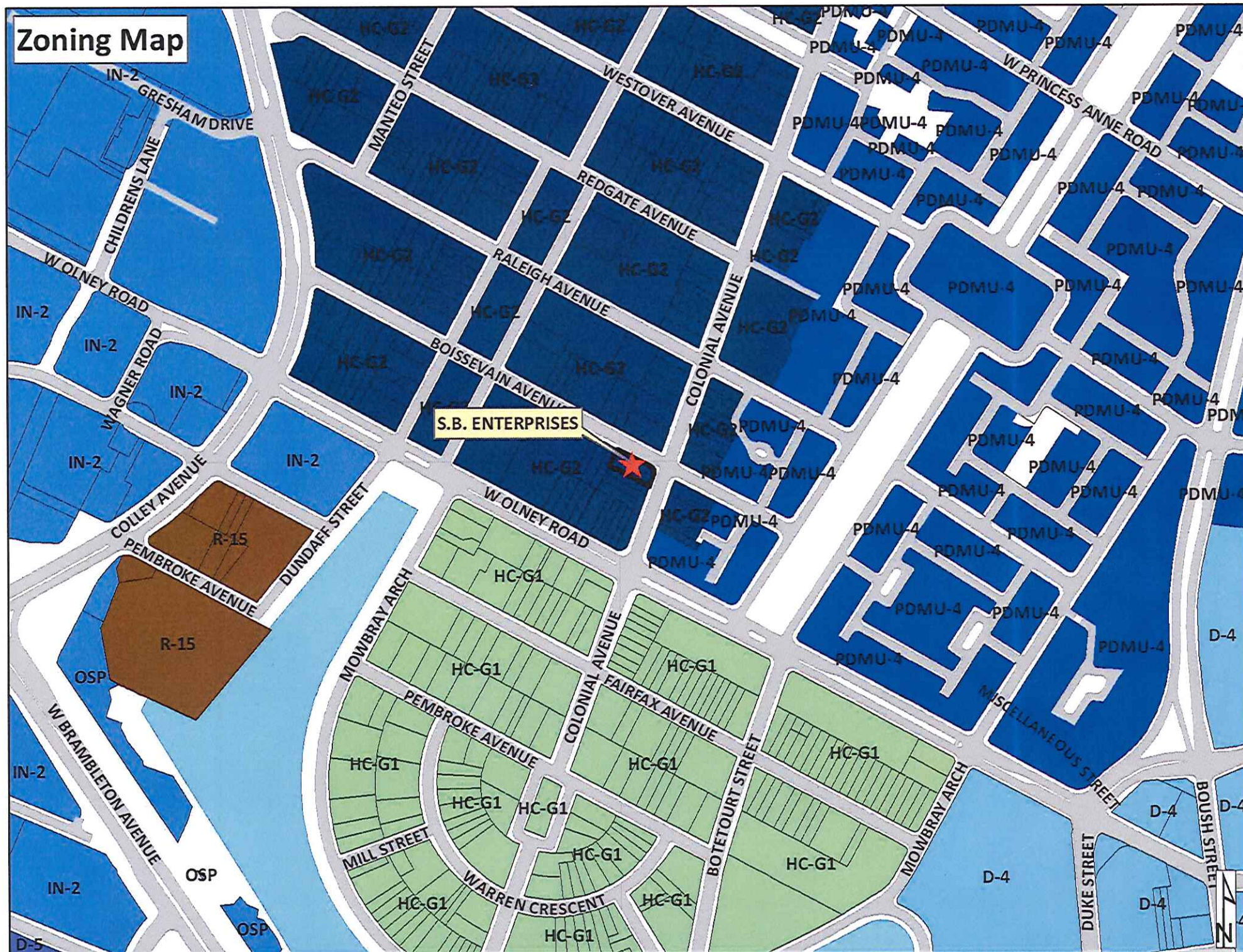


# Location Map





# Zoning Map







# City of Norfolk

## APPLICATION SPECIAL EXCEPTION

Special Exception for: CHANGE FROM ONE NON CONFORMING USE (RETAIL SALES)  
TO THE FOLLOWING NON CONFORMING USE - RETAIL SERVICES (SMALL SCALE SPECIALTY PERSONAL SERVICES)  
- RETAIL SALES (small scale specialty)

Date of application: 8-11-12

### DESCRIPTION OF PROPERTY

Property location: (Street Number) 509 (Street Name) BOISEVAIR AVE

Existing Use of Property RETAIL SALES.

Current Building Square Footage 628 FT.

Proposed Use SMALL SCALE SPECIALTY RETAIL SERVICES (SALON)

APPOINTMENT ONLY - NO WALK-INS, OWNER OCCUPIED

Proposed Square Footage N/A

Proposed Hours of Operation:

Weekday From 9am To 8pm

Friday From 9am To 8pm

Saturday From 9am To 8pm

Sunday From 9am To 8pm

Trade Name of Business (If applicable) S.B. ENTERPRISES LLC.

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

**APPLICANT/ PROPERTY OWNER**

1. Name of applicant: (Last) BRADLEY (MI) C (First) SUSAN  
PITTMAN R PETER

Mailing address of applicant (Street/P.O. Box): 703 GRAYDON AVE

(City) NORFOLK (State) VA (Zip Code) 23507

Daytime telephone number of applicant ~~(757)~~ 831-7705 Fax number ( ) \_\_\_\_\_

E-mail address of applicant: peterpittman@gmail.com

2. Name of property owner: (Last) PASCAROSA (MI) PAUL (First) C TRUST  
Trustee - Howard J. Marx

Mailing address of property owner (Street/P.O. box): 6161 Kempsville Circle  
Ste 205

(City) NORFOLK (State) VA (Zip Code) 23502

Daytime telephone number of owner ~~(757)~~ 5PF-2340 Fax number ~~(757)~~ 5PF-8429

**CIVIC LEAGUE INFORMATION**

Civic League contact: Paige Rose

Date(s) contacted: \_\_\_\_\_

Ward/Super Ward Information: \_\_\_\_\_

**REQUIRED ATTACHMENTS:**

- ✓ Check for \$265.00 made payable to: Norfolk City Treasurer.
- ✓ 2 8½x14 copies of a survey or site plan drawn to scale showing:
  - Existing and proposed building structures
  - Driveways
  - Parking,
  - Landscaping
  - Property lines (\*see attached example).

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569



**CERTIFICATION:**

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

**SIGNED:**

Howard Marx, Trustee

Print

(Property owner or authorized agent signature)

[Signature]  
Sign

8 / 9 / 2012

Date

**SIGNED:**

Susan C. Bradley

Print

(Applicant signature)

[Signature]  
Sign

08 / 13 / 2012

Date

**DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT**

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569



September 7, 2012

Paige Rose  
President, Ghent Neighborhood League  
P.O. Box 11431  
Norfolk, VA 23517

Dear Ms. Rose,

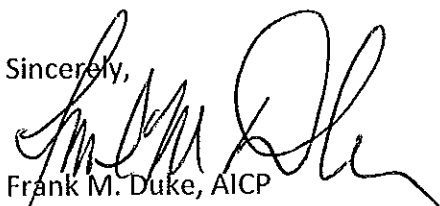
The Planning Department has received two applications for Special Exceptions to allow existing nonconforming commercial uses to change to other nonconforming commercial uses on properties located at 617-619 Colonial Avenue and 509 Boissevain Avenue. These items are tentatively scheduled for the September 27, 2012 City Planning Commission public hearing.

**Summary**

These applications would allow existing nonconforming commercial spaces to be used for small scale personal services, small scale specialty retail, offices or antique sales establishments.

If you would like additional information on these requests, you may contact the applicants at (757) 275-4084 (617-619 Colonial Avenue) or (757) 831-7705 (509 Boissevain Avenue) or you may telephone Susan Pollock on my staff at (757) 664-4765. Copies of the complete applications are enclosed.

Sincerely,



Frank M. Duke, AICP  
Planning Director

cc: Vanessa Seals, Neighborhood Development Specialist

**Simons, Matthew**

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**From:** Paige Rose [paige@ghentva.org]  
**Sent:** Thursday, September 27, 2012 12:30 PM  
**To:** Duke, Frank; Pollock, Susan; Simons, Matthew  
**Cc:** Board  
**Subject:** Planning Commision: 617 Boissevain Avenue and 509 Boissevain Avenue

Dear Planning Commision Members,

Thank you for the opportunity to provide Ghent neighborhood input for the above referenced applications for changing a stated current non conforming use to another non-conforming use at the respective sites.

These requests have certainly turned out to be a very complex one and has raised many Ghent community member questions and concerns regarding current and future zoning, special exceptions and non-conforming use. Adding to this complexity are lingering and unanswered questions as to whether the previous approved non-conforming use has - in fact - lapsed. The GNL has had less than a month to wade through this complexity and clarify their questions.

The requested "use" change is too expansive and will have the unintended consequence of opening the door to a level of uncertainty for future uses which should not be acceptable in any residential district, especially one that is in the midst of a residential local historic district and across from schools, vs. a commercial corridor.

The Ghent Neighborhood League remains committed to supporting its mission to "protect and preserve" the historic quality neighborhood, while also recognizing that vibrant and viable businesses contribute to its uniqueness. While the majority in attendance who heard thee businesses' presentations at the September GNL meeting supported the overall business visions, it produced many unanswered questions from residents concerned that Ghent would be effectively relinquishing future neighborhood review process by approving this application as written.

It appears there is an unfortunate disconnect, as business owners are offering proposal that many seemed to have no objection to and could support, but in order to approve this application, in the current Special Exception language, it would also mean relinquishing potential neighborhood "process" protections, which does not seem fair to the neighborhood...or applicant.

In conclusion, the current Special Exception language does not provide the neighborhood with the level of specificity desired.

Thus, we find ourselves in a conundrum today. While we are committed to working with the applicant and the City to try to come to a resolution that could permit the the request of this specific businesses to be permitted to operate at thee locations, there simply has not been adequate information or time to do so prior to this hearing.

Thank you,  
Paige Rose

10/1/2012



September 10, 2012

To whom it may concern,

I am writing on behalf of Susan Bradley, who is applying to change the zoning of her beauty salon from Retail Sales to Retail Service. I fully support her in this endeavor, and hope that you will grant her request.

I have been both a customer of Susan's and her neighbor since moving to Ghent over seven years ago. Susan is always extremely professional and very considerate of those around her. She has tastefully remodeled the salon's interior on Boissevain Avenue, and has enhanced the landscaping making for a noticeable improvement to the neighborhood.

Her business is the best kind for our community; the salon is a well-kept and quiet place, her hours are conducive to peaceful neighborhood, and most of her clients live in Ghent, so there isn't a lot of vehicle traffic.

I strongly support Susan's application for a special exception, her business is a great fit for the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Donna Cannon", with a stylized, flowing script.

Donna Cannon

702 Westover Ave  
Norfolk, VA 23507  
(757) 518-9553

September 12, 2012

Dear Ghent Neighborhood Civic League,

I am writing you in support of Susan Bradley and her intention to own and operate a salon on Boissevain Ave. in Ghent.

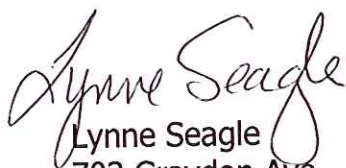
I have lived in Ghent for 25 years and find this type of endeavor to match perfectly with the neighborhood I call home. The space chosen is not only appropriate for this type of business but also enhances the space and sense of community culture by virtue of its location. It is accessible to those in our neighborhood as it is a short walk for many of her customers, including me.

I have known Susan Bradley as a neighbor as we both live on Graydon Ave as well as a professional stylist. Her character is without question and the manner in which she conducts herself is consistently guided by integrity and her high ethical standards.

To say she would be an asset to Ghent is an understatement as she is already part of our community as she too is a long term resident.

It is for these reasons and many more I urge the civic league to endorse and welcome this new endeavor. It is good for the community and it is good for its residents.

Sincerely,

A handwritten signature in cursive script that reads "Lynne Seagle". The signature is fluid and elegant, with the first name "Lynne" and last name "Seagle" clearly distinguishable.

Lynne Seagle  
703 Graydon Ave.  
Norfolk, Va. 23507  
[lseagle@hope-house.org](mailto:lseagle@hope-house.org)  
757-627-6454

David L. Coleman, Esq.  
738 Graydon Ave  
Norfolk, Virginia 23507  
(757) 623-3622

September 10, 2012

To Whom It May Concern:

This letter is in regards to the zoning application of Susan Bradley for her commercial hair salon located at 509 Boissevain Avenue in the City of Norfolk, Virginia. I am a lawyer for Norfolk Southern Corporation and my family has lived at its current address in Ghent since August of 2005. For the last seven years, Ms. Bradley has performed hair salon services for me, my wife and my three children. She is a reputable businesswoman and a credit to the Ghent community.

Ms. Bradley's new hair salon on Boissevain is clean, attractive and well-maintained. Her clientele consists mostly of local Ghent residents. Ms. Bradley's business is well suited to the area because it is quiet and does not generate appreciable traffic. In fact, many of her clients walk to her salon and, due to its small size, it is unlikely that more than two or three customers would be present in the salon at any one time. On my first visit to her new location, Ms. Bradley clearly explained to me the rules for parking and asked that I park in the reserved spots behind her business whenever they were open upon my arrival.

I strongly support Ms. Bradley's business and stand behind her reputation. If you have any questions, please feel free to call me at the number listed above.

Sincerely,

A handwritten signature in blue ink, consisting of a large, stylized 'D' followed by a horizontal line extending to the right.

David L. Coleman, Esq.